

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JENNIFER GRATZ and PATRICK
HAMACHER,

for themselves and all others similarly
situated,

Case No. 97-75231

Plaintiffs,

Honorable Patrick J. Duggan

v.

LEE BOLLINGER, ET AL.

Defendants,

and

EBONY PATTERSON, ET AL.

Intervening Defendants.

**ORDER GRANTING DEFENDANTS' MOTION FOR STAY OF BRIEFING AND
HEARING AND GRANTING DEFENDANTS' MOTION FOR LEAVE TO FILE
SUPPLEMENTAL BRIEF**

At a session of said Court, held in the U.S.
District Courthouse, City of Detroit, County of
Wayne, State of Michigan, on MAY 9, 2005.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On October 14, 1997, Plaintiffs filed this class-action lawsuit challenging the admissions policy of the University of Michigan's College of Literature, Science, and the Arts. On June 23, 2003, the Supreme Court held Defendants' admissions policies for

1999 and 2000 unconstitutional and remanded Plaintiffs' lawsuit for further proceedings consistent with its opinion. Plaintiffs subsequently filed the following motions in this Court: (1) a motion for partial summary judgment on liability and (2) a motion for class certification and partial summary judgment with respect to certain nominal and incidental damages claims; and for certification of a subclass to determine compensatory damages claims.

After a status conference on January 31, 2005, the Court instructed the parties to brief three issues relevant to further proceedings in this case: (1) standing; (2) the applicable legal standard; and (3) the burden of proof. The Court has received briefs from both Plaintiffs and Defendants on those issues. As a result of this briefing, Defendants now have asked the Court for a stay of briefing and hearing on Plaintiffs' pending motions. Defendants additionally have filed a motion for leave to file a supplemental brief with respect to the three issues listed above.

The Court believes that it should resolve the issues of standing, the applicable legal standard, and the burden of proof before reaching Plaintiffs' motions. In fact, the Court's resolution of those issues may moot all or some of the requests in Plaintiffs' motions or alter how the issues in Plaintiffs' motions should be framed. The Court therefore concludes that it should stay briefing and hearing on Plaintiffs' motions.

The Court further concludes that Defendants' motion for leave to file a supplemental brief should be granted. Plaintiffs may file a "response" to this supplemental brief, if they wish, which shall not exceed ten pages. Such "response" shall be filed within ten days of Plaintiffs' notification of this order.

Accordingly,

IT IS ORDERED, that Defendants' motion for stay of briefing and hearing is **GRANTED**;

IT IS FURTHER ORDERED, that Defendants' motion for leave to file a supplemental brief is **GRANTED** and Defendants' supplemental brief is hereby deemed filed as of the date of this order;

IT IS FURTHER ORDERED, that Plaintiffs may file a "response" to this supplemental brief, not to exceed ten pages, within ten days of their notification of this order.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
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